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## 6. England: A Case Study in Successful Monarchism

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## 6. England: A Case Study in Successful Monarchism

### Abstract

England led the way to national consolidation and a strong monarchy for a number of reasons. The geographical advantages have already been briefly mentioned. Of some importance were the Anglo-Saxon precedents in force between the seventh and eleventh centuries. Roman Civilization was never much more than a thin veneer in England and with the withdrawal of the Romans this veneer wore away. In its place rose Saxon England, and despite the partially successful invasions of the British Isles by the Northmen a degree of cultural homogeneity developed. In fact, these invasions promoted the levying of a royal tax known as the "danegeld" with which the Saxon kings bought off the invaders and which they continued to collect after the danger was gone. In addition, the kings had close control over the Church and, with the approval of a council called the witan, they could issue decrees which had the force of law. By the time of Alfred the Great (871-900), the ablest of the Saxon kings, there had appeared rough outlines of two political institutions which were to influence subsequent governmental practices in England -- the witan and the local councils which operated in the townships, hundreds, and shires. We have, therefore, the germ of a national representative institution and popular participation in local government. [*excerpt*]

### Keywords

Contemporary Civilization, Monarchy, British Isles, England, taxation, Alfred the Great, Church, government

### Disciplines

Cultural History | European History | European Languages and Societies | History | Medieval Studies

### Comments

This is a part of [Section V: The Rise of Capitalism and the National State to 1500](#). The [Contemporary Civilization](#) page lists all additional sections of *Ideas and Institutions of Western Man*, as well as the [Table of Contents](#) for both volumes.

### More About Contemporary Civilization:

From 1947 through 1969, all first-year Gettysburg College students took a two-semester course called Contemporary Civilization. The course was developed at President Henry W.A. Hanson's request with the goal of "introducing the student to the backgrounds of contemporary social problems through the major concepts, ideals, hopes and motivations of western culture since the Middle Ages."

Gettysburg College professors from the history, philosophy, and religion departments developed a textbook for the course. The first edition, published in 1955, was called *An Introduction to Contemporary Civilization and Its Problems*. A second edition, retitled *Ideas and Institutions of Western Man*, was published in 1958 and 1960. It is this second edition that we include here. The copy we digitized is from the Gary T. Hawbaker '66 Collection and the marginalia are his.

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England led the way to national consolidation and a strong monarchy for a number of reasons. The geographical advantages have already been briefly mentioned. Of some importance were the Anglo-Saxon precedents in force between the seventh and eleventh centuries. Roman Civilization was never much more than a thin veneer in England and with the withdrawal of the Romans this veneer wore away. In its place rose Saxon England, and despite the partially successful invasions of the British Isles by the Northmen a degree of cultural homogeneity developed. In fact, these invasions promoted the levying of a royal tax known as the danegeld with which the Saxon kings bought off the invaders and which they continued to collect after the danger was gone. In addition, the kings had close control over the Church and, with the approval of a council called the witan, they could issue decrees which had the force of law. By the time of Alfred the Great (871-900), the ablest of the Saxon kings, there had appeared rough outlines of two political institutions which were to influence subsequent governmental practices in England -- the witan and the local councils which operated in the townships, hundreds, and shires. We have, therefore, the germ of a national representative institution and popular participation in local government.

In 1066 Duke William of Normandy successfully overthrew the last Saxon king and opened a new era in English history. William the Conqueror (1066-1087) and his immediate successors summoned intelligence and energy to the task of social and political reorganization in England. Their political reforms had the happy faculty of intervening in local affairs to the royal advantage without at the same time destroying local institutions. For example, they took the sheriff, a local official in Anglo-Saxon England, and made him a strong royal representative in local government. Although William introduced feudal ideas into England, he was aware that Anglo-Saxon kings had exercised powers denied to feudal suzerains on the Continent. Consequently the feudal practices which he brought with him from Normandy were tempered by measures which curbed the

*Use of non-feudal help in civil service. Didn't have a family behind them. Supported the crown. Trying to breakdown feudalism. Developed from house hold. (civil service)*

independence of his vassals. He required them to take an oath of allegiance to him superior to that sworn to their immediate lords. He kept the old national militia, a policy which freed him of sole dependence upon the lords for military manpower. He used the scattered Anglo-Saxon landholdings as the basis for distributing territory to his own immediate vassals, and thus forestalled the formation of huge, virtually sovereign duchies and baronies such as plagued the existence of the French and German kings.

The process of statemaking and increasing the royal authority was greatly advanced by William's son, Henry I (1100-1135), and great-grandson, Henry II (1154-1189). The first Henry ruled with a heavy hand, making the most of his feudal prerogative, preventing his barons from usurping royal rights or building castles without his permission, and ruthlessly crushing revolts. After his death England lapsed into a degree of feudal anarchy, and Henry II came to the throne determined to restore monarchical authority. Building on the work of his ancestors, the second Henry extended and strengthened the machinery of both local and central government, making changes and improvements which remain today an integral part of British, and in some cases American, political practice.

Both Henrys curbed the nobility by requiring that castles built without royal license should be destroyed. The other possible threat to royal authority was the Church, and Henry I secured royal control over important ecclesiastical appointments. In 1164 a dispute between Henry II and the archbishop of Canterbury, Thomas à Becket (c. 1118-1170), broke into an open quarrel. Henry issued a decree defining the jurisdiction of royal and ecclesiastical courts, limiting benefit of clergy and the Church's power of excommunication, and asserting his right as feudal suzerain over Church lands and their holders. "Whoever is made archbishop," declared Thomas, "must soon give offense either to God or to the king." Thomas' defiance cost him his life at the hands of four of Henry's knights, and the hostile popular reaction to this deed compelled the king to modify his decree. Henry allowed the ecclesiastical courts to retain their jurisdiction over the "criminous clerks" (clergy accused of crimes against the realm), a jurisdiction which expanded after Henry's death.

In other areas Henry was more successful than in his struggle with the Church. A man of energy, determination, and ability, he well illustrates the importance of force of character on the part of that monarch who would unite his kingdom and rule successfully. William the Conqueror had made it a practice to call upon a group made up of his tenants-in-chief for advice rather than to rely upon the more numerous and thus more cumbersome witan. This smaller body became known as the curia regis, or court of the king. Henry I made it a formal administrative body which could try suits between barons or cases in which the king himself was concerned. It also sat twice each year to receive the accounts of local officials or any others who owed

*curia divides up into administrative + financial*

money to the king. Under Henry II the curia regis was broken up into specialized functions performed by a full-time staff of professional men. Two of the more important of these functions were the financial, performed by the Exchequer, and the judicial.

The most significant work of Henry II was in the field of justice. Here he built upon the reviving idea of the "king's peace," a concept which held that it was the duty of the monarch, over and above that of any feudal lord, to punish criminal offenses committed anywhere in the realm. To this end, Henry asserted his responsibility to institute proceedings against suspected criminals and he dispatched itinerant justices into all parts of England. An important innovation was the introduction of the jury as a normal part of legal procedure. The jury began as an inquest, in which a group of neighbors was called by the justices as they went from place to place to answer questions about conditions in their part of the realm. Among the subjects to be investigated were whether any crimes had been committed and the names of those suspected of perpetrating them. This was the germ of the grand jury system as we know it today, and in these early inquests the English people gained invaluable experience in self-government. In the thirteenth century trial by jury became the general practice in both civil and criminal cases. Presiding over the inquests were the itinerant justices who spread throughout the land one set of legal principles. Their interpretations of these principles became "common to the realm" and prevailed sufficiently over local customs as to be known as the common law.

England's common law grew up by trial and error out of national customs and practices, but the legal innovations of Henry II marked its real beginning. In interpreting the law royal justices were guided by precedent and custom, and where none such existed they employed ingenious interpretations usually favorable to the king's authority. Although it borrowed systemization from Roman law, England's common law was less influenced by the Roman codes than was the case on the Continent. The king himself was the court of last resort and his pronouncements were added and synthesized into a single legal system. Since it was unwritten at first (that is, unwritten as statutes although recorded in law books), the common law was flexible and has been interpreted in both England and America as "judge-made law."

As the itinerant justices held their courts they made justice easier and surer for the people, gave the king a means of checking on the work of local officials (such as the sheriff), and helped curtail baronial authority by concentrating justice in the hands of the king. Cases were brought before the courts through the purchase of a writ, which was in effect a legal permit to gain access to royal justice. This practice not only provided additional income for the king, but the judges also served as a valuable connecting link between the monarch and his subjects. Englishmen came to prefer the royal courts for adjudication and this increased significantly the authority of the king.

*Paid professionals.*

The achievements of William the Conqueror and the two Henrys in creating a strong monarchy alarmed the barons in England and they moved to halt further expansion of royal power. For example, they insisted that additions to the common law should be made by formal legislation or statutes enacted by an assembly of prelates and barons. In other ways they tried to gain control of the government during the late Middle Ages, and this struggle between kings and barons continued almost to 1500. An early effort came in 1215 when King John agreed to the Magna Carta, unwillingly recognizing the feudal rights of the barons and pledging himself to act as a proper feudal king. It is important to note that while in a sense Magna Carta marked the beginning of representative national government in England, it did not weaken royal power to the extent that centralized government became impossible.

In 1295 Edward I (1272-1307) convened an assembly made up of clergymen, barons, knights, and representatives of the boroughs in what historians have called the Model Parliament, the direct ancestor of the present English Parliament. This body is another instance of the experimentation that was creating the framework of England's government. Edward's predecessors had on occasion called together representatives of their tenants-in-chief for advice and counsel or before levying new taxes. This practice was in full accord with feudal custom, by which the lord was expected to consult with his vassals before making an important decision that would affect them. Representatives of the knights in the shires and the burgesses in the towns had gained some royal notice during the reign of Edward's father, but not until 1295 was an English king to bring all the various elements of his realm together in this way. In the following selection, we have the texts of the writs by which the Model Parliament was summoned.

#### Summons of the Archbishop of Canterbury

The King to the venerable father in Christ Robert, by the same grace archbishop of Canterbury, primate of all England, greeting. As a most just law, established by the careful providence of sacred princes, exhorts and decrees that what affects all, by all should be approved, so also, very evidently should common danger be met by means provided in common. You know sufficiently well, and it is now, as we believe, divulged through all regions of the world, how the king of France fraudulently and craftily deprives us of our land of Gascony, by withholding it unjustly from us. Now, however, not satisfied with the before-mentioned fraud and injustice, having gathered together for the conquest of our kingdom a very great fleet, and an abounding multitude of warriors, with which he has made a hostile attack on our kingdom and the inhabitants of the same kingdom, he now proposes to destroy the English language altogether from the earth, if his power should correspond to the detestable proposition of the contemplated injustice, which God forbid. Because,

*Power in the king.*

therefore, darts seen beforehand do less injury, and your interest especially, as that of the rest of the citizens of the same realm, is concerned in this affair, we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster; citing beforehand the dean and chapter of your church, the archdeacons and all the clergy of your diocese, causing the same dean and archdeacons in their own persons, and the said chapter by one suitable proctor, and the said clergy by two, to be present along with you, having full and sufficient power from the same chapter and clergy, to consider, ordain and provide, along with us and with the rest of the prelates and principal men and other inhabitants of our kingdom, how the dangers and threatened evils of this kind are to be met. Witness the king at Wingham, the thirtieth day of September.

Identical summons were sent out to the archbishop of York and eighteen bishops, and with some omissions, to seventy abbots.

#### Summons of the Earl of Cornwall

The king to his beloved and faithful relative, Edmund, Earl of Cornwall, greeting. Because we wish to have a consultation and meeting with you and with the rest of the principal men of our kingdom, as to provision for remedies against the dangers which in these days are threatening our whole kingdom; we command you, strictly enjoining you in the fidelity and love in which you are bound to us, that on the Lord's day next after the feast of St. Martin, in the approaching winter, you be present in person at Westminster, for considering, ordaining and doing along with us and with the prelates, and the rest of the principal men and other inhabitants of our kingdom, as may be necessary for meeting dangers of this kind.

Witness the king at Canterbury, the first of October.

Similar summons were sent to six other earls and forty-one barons.

#### Summons to the Sheriff of Northamptonshire

The king to the sheriff of Northamptonshire. Since we intend to have a consultation and meeting with the earls, barons and other principal men of our kingdom with regard to providing remedies against the dangers which are in these days threatening the same kingdom; and on that account have commanded them to be with us on the Lord's day next after the feast of St. Martin in the approaching winter, at Westminster, to consider, ordain, and do as may be necessary for the avoidance of these dangers; we strictly require you to cause two knights from the aforesaid county, two citizens from each city in the same county, and two burgesses from each borough, of those who

are especially discreet and capable of laboring, to be elected without delay, and to cause them to come to us at the aforesaid time and place.

Moreover, the said knights are to have full and sufficient power for themselves and for the community of the aforesaid county, and the said citizens and burgesses for themselves and the communities of the aforesaid cities and boroughs separately, then and there for doing what shall then be ordained according to the common counsel in the premises; so that the aforesaid business shall not remain unfinished in any way for defect of this power. And you shall have there the names of the knights, citizens and burgesses and this writ.

Witness the king at Canterbury on the third day of October.

Identical summons were sent to the sheriffs of every other county.

Edward summoned the Model Parliament with no thought of surrendering royal rights and privileges, but as a means of influencing public opinion and obtaining additional revenue. With the representatives of the people gathered in one place he could more easily explain, threaten, and cajole them into granting him more money. He could also keep his ear to the ground and in this way perhaps head off popular resentment which might lead to rebellion. Yet he clothed Parliament with enough prestige as to make it dangerous to his weaker successors. It should be remembered that parliamentary government, meaning government in which the legislature controls the executive, was centuries in coming to England. By 1500, however, Parliament had gained enough prestige to exercise limited judicial functions, force acceptance of the principle of parliamentary control of the grant of taxes, initiate legislation, employ the impeachment process as a means of making the king's ministers responsible for their official acts, and it had even deposed several kings. In short, although it was not yet able to bring about good government on its own, Parliament possessed enough power to forestall poor government.

The Hundred Years' War (1337-1453) inspired in the English people expressions of loyalty to the nation and its sovereign, remarkable in that the kings failed to achieve their aims of territorial acquisition on the Continent. But English monarchs won financial support for their ventures only at the price of further concessions to Parliament. The war ended with the reigning king discredited by its unsuccessful conclusion and England seized by economic, social, and intellectual unrest. With the crown in the feeble hands of Henry VI (1422-1461), the great lords competed for control of the government. The resultant instability and disorder produced the Wars of the Roses

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\* George Burton Adams and H. Morse Stephens, eds., Select Documents of English Constitutional History (New York: The Macmillan Company, 1906), pp. 82-84. Used with permission.



(1455-1485), a conflict which destroyed the flower of England's feudal nobility. In many respects this internecine struggle was a mere "palace revolution" for control of the throne and the authority of Parliament was not an issue. Aligning themselves behind either the House of York or the House of Lancaster, the great baronial families paid a heavy price in blood, treasure, and influence.

In 1485, Henry Tudor, a member of the Lancastrian faction, emerged victor over the Yorkist king, Richard III (1483-1485), and few nobles remained to contest his claim to the crown. He sought to strengthen his tenuous legal claim to the throne and obtained parliamentary recognition of himself as Henry VII (1485-1509). The English people were glad to accept strong monarchical government even at the price of temporarily bypassing Parliament, and this popular attitude permitted the new king to do without Parliament or, when it did meet, manage it. He needed the support of the people in such a policy, and this he gained by ending the dynastic quarrels which had disturbed the peace of England for three decades, fostering and protecting an expanding commerce, and winning recognition from foreign rulers. His success in quelling internal rebellions also removed the threat to his position on the throne and brought relative peace, order, and stability. Furthermore, Henry gained the approval of the middle class, from whose ranks he filled the offices of state. Not only were the nobility largely shorn of political power, but the creation of the Court of Star Chamber ended the lenient treatment of powerful barons accused of deeds of violence and other crimes. In these actions Henry laid the foundation for the absolutism characteristic of his and succeeding Tudor reigns, which although never abolishing Parliament, used it to justify royal acts. So firmly established was Henry VII that the Spanish ambassador could report to Ferdinand and Isabella in 1500 that "England has never before been so tranquil and obedient as at present."